

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PETER VALENTINI,

MEMORANDUM AND ORDER

Plaintiff,

CV 07-1402

-against-

(Wexler, J.)

B.I.M. MINING CORP., GREGORY
SCARLATO, HARRY K. KAHALE, and
RICHARD GRAHAM,

Defendants.

APPEARANCES:

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WEXLER, District Judge

This is a case in which Plaintiff alleges claims of fraud as well as violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962(c) ("RICO"), alleging that

defendants engaged in a pattern of racketeering activity in connection with the sale of certain investments. Presently before the court is Plaintiff's motion for summary judgment against all Defendants. This motion follows the criminal convictions of Defendants Scarlato and Kahale, pursuant to charges arising out of the same circumstances that form the basis of this civil matter. All Defendants have been served with the motion papers and given the opportunity to respond thereto.

The time to respond to Plaintiff's motion for summary judgment has long expired and Defendants have not responded to the motion in any way. The court therefore grants the motion for summary judgment as unopposed. Counsel for plaintiff is directed to submit an appropriate judgment.

SO ORDERED.



LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York

December 3, 2010
[Signature]